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September 23, 2022

BY ECF

Honorable Jennifer L. Rochon
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Amaury Urena v. City of New York, et al.,
22 Civ. 4758 (JLR)

Your Honor:

I represent defendant the City of New York (the “City”) in the above-referenced matter.¹ The City writes to respectfully request the Court: (1) extend the City’s time to respond to the Court’s Valentin order to October 28, 2022; and (2) extend the City’s time to respond to the Complaint to the same date by which the currently unidentified individual defendants must do so (which will be determined after they are identified and served). This is the City’s second request for an extension of time to comply with the Valentin order and the first request for an extension of time for the City to respond to the Complaint. The City has not sought plaintiff’s position on this request as he is presently incarcerated and proceeding *pro se*. There are currently no Court appearances scheduled in this matter.

By way of background, plaintiff brings this action pursuant to 42 U.S.C. § 1983 against the City and unidentified New York City Department of Correction (“DOC”) officers, alleging, *inter alia*, that he was held overnight in the intake unit and on a bus. (See ECF No. 2). Plaintiff filed the Complaint on June 7, 2022. (See Id.). The City waived service on July 29, 2022, and thus its response to the Complaint is currently due September 27, 2022. (See ECF No. 9). On June 29, 2022, the Court issued a Valentin Order, which directed this Office to “ascertain the identity and badge number of each John or Jane Doe whom Plaintiff seeks to sue here and the address where the defendant may be served” by August 28, 2022. (See ECF No. 6). On August 24, 2022, the

¹ This case has been assigned to Assistant Corporation Counsel Bailey Forcier, who is awaiting admission to the New York Bar. Ms. Forcier is handling this matter under supervision and may be reached at (212) 356-5054 or bforcier@law.nyc.gov.

City requested a sixty-day enlargement of time to comply with the Court's Valentin Order. (See ECF No. 10). On August 25, 2022, the Court extended the City's deadline to respond to the Valentin Order to September 28, 2022. (See ECF No. 12).

This Office has worked diligently to comply with the Court's Valentin Order but has not yet been able to identify the "John or Jane Doe" correction officers who allegedly held plaintiff in the intake unit or on a bus. Presently, this Office is awaiting receipt of several pertinent documents from DOC which are essential to identifying the "John or Jane Doe" correction officers, such as facility logs, assignment rosters, movement logs, and other documents which may indicate whether plaintiff was held in an intake unit or on a bus and which correction officers, if any, were assigned to those areas and/or present at those times. This Office is working to obtain such documents as efficiently and expeditiously as possible, but until this Office has received the documents it is unable to comply with the Court's Valentin Order.

Accordingly, the City respectfully requests a thirty-day extension of time to respond to the Court's Valentin Order—from September 28, 2022, to October 28, 2022—in order to allow time for this Office to complete its investigation into the identities of the "John or Jane Doe" correction officers. Additionally, for the sake of efficiency, the City respectfully requests that the Court extend the City's deadline to respond the Complaint to twenty-one days after the individual defendants are served, which will avoid the filing of multiple responses to the Complaint by defendants who may all be represented by this Office.

Thank you for your time and consideration.

Respectfully submitted,

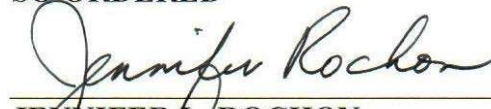
/s/ Zachary Kalmbach
Zachary Kalmbach
Assistant Corporation Counsel

cc: **Via First-Class Mail**
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Plaintiff pro se
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Application **GRANTED** in part. The deadline to respond to the Court's *Valentin* Order is extended to **October 28, 2022**. The deadline for Defendant City of New York to respond to the Complaint is extended to **October 28, 2022**.

Dated: September 27, 2022
New York, New York

SO ORDERED


JENNIFER L. ROCHON
United States District Judge